

IC 10-17-9

Chapter 9. Indiana Veterans' Home

IC 10-17-9-1

Conduct and maintenance

Sec. 1. The conduct and maintenance of the Indiana Veterans' Home, located near Lafayette in Tippecanoe County, Indiana, are governed by this chapter and IC 16-19-6.

As added by P.L.2-2003, SEC.8.

IC 10-17-9-2

Gifts; legacies; devises; conveyances

Sec. 2. The home may receive for the use of the institution and expend as the donor directs:

- (1) gifts;
- (2) legacies;
- (3) devises; and
- (4) conveyances;

of real and personal property that are made, given, or granted to or for the home or in its name.

As added by P.L.2-2003, SEC.8.

IC 10-17-9-3

Appropriations for buildings

Sec. 3. The board of county commissioners in each county may appropriate money out of the general fund of the county to erect cottages or any other needed building on the grounds of the home.

As added by P.L.2-2003, SEC.8.

IC 10-17-9-4

Superintendent responsibilities

Sec. 4. The superintendent of the Indiana Veterans' Home, subject to applicable orders and rules made by the administrative unit for special institutions of the state department of health:

- (1) has the immediate charge and management of the institution;
- (2) directs and controls the resident employees; and
- (3) superintends the care and management of the members in the home.

As added by P.L.2-2003, SEC.8.

IC 10-17-9-5

Political affiliation of employees; preference in employment

Sec. 5. (a) A person may not be appointed or employed in an office or a place in the institution by the superintendent of the Indiana Veterans' Home because of the political views or affiliation of the appointee or employee or for a reason other than capacity and fitness for the duties to be performed by the appointee or employee. However, among applicants for appointment found capable and fit, preference shall be given to an honorably discharged military veteran and the spouse, widow, widower, mother, and child of an honorably

discharged military veteran.

(b) In appointing a candidate for the position of superintendent of the Indiana Veterans' Home, the state health commissioner shall give preference to a person who has been honorably discharged after service in the armed forces of the United States.

As added by P.L.2-2003, SEC.8.

IC 10-17-9-6

Removal or suspension of employees

Sec. 6. The superintendent may remove or suspend an employee appointed by the superintendent of the Indiana Veterans' Home only for cause and subject to the state personnel act under IC 4-15-2.

As added by P.L.2-2003, SEC.8.

IC 10-17-9-7

Admissions; rules; funds; death

Sec. 7. (a) The following persons who are legal residents of Indiana for at least three (3) years immediately preceding application for admission and who are disabled or destitute are eligible for admission to the home:

(1) An honorably discharged member of the armed forces who has served with the United States in any of its wars.

(2) An honorably discharged member of the armed forces who has served in an authorized campaign of the United States and who has a service connected disability, as evidenced by a pension certificate or the award of compensation.

(3) The spouse of an honorably discharged member of the armed forces described in subdivision (1) or (2).

(4) The surviving spouse of an honorably discharged member of the armed forces described in subdivision (1) or (2).

(b) The administrative head of the administrative unit for special institutions of the state department of health or its successor shall adopt rules concerning admission to the home.

(c) In adopting rules governing the admission, maintenance, and discharge of members of the veterans' home, the administrative head of the administrative unit for special institutions of the state department of health or its successor may establish a fund called the veterans' home comfort and welfare fund. The administrative head shall deposit all money collected from the members for the cost of their care and maintenance in the fund. The administrative head shall expend this money in any manner that adds to the comfort and welfare of the members of the institutions.

(d) A part of the veterans' home comfort and welfare fund may be withdrawn and deposited in a special fund called the veterans' home building fund. The veterans' home building fund shall be used for the construction, maintenance, remodeling, or repair of buildings of the Indiana Veterans' Home.

(e) Preference under this section may be given to a person who served in an Indiana military organization. Except in cases where the surviving spouse of a veteran marries another veteran, the benefits of

this chapter extend only to a surviving spouse and the spouse of a veteran if the contract of marriage was entered into more than five (5) years before the date of death of the veteran. Except as otherwise provided by law, upon the death of a person in the home, money paid to the person or due to the person from a bank, a trust company, a corporation, or an individual becomes an asset of the person's estate and shall be distributed in the manner prescribed by the probate law of the state.

As added by P.L.2-2003, SEC.8.

IC 10-17-9-8

Cost of maintaining members

Sec. 8. (a) Each member, the estate of a deceased member, or the estate of a member under guardianship is liable for the costs of maintenance of the member in an amount up to one hundred percent (100%) of the daily per capita cost of personal services and all other operating expenses for the preceding fiscal year. The per capita charge may be adjusted to reflect the level of care provided.

(b) The level of care must be as consistent as possible with:

- (1) the care category of the facility in which the member is placed;
- (2) the rules of the Indiana health facilities council adopted under IC 16-28; and
- (3) the applicable code of the federal government covering reimbursement from the United States Department of Veterans' Affairs or another department of the federal government.

(c) The liability created for the costs of maintenance of a member constitutes a lien upon the real property of the member if the lien is recorded as provided in this chapter. The lien has priority over all liens subsequently acquired.

As added by P.L.2-2003, SEC.8.

IC 10-17-9-9

Billing and collection of maintenance costs; funds

Sec. 9. (a) The billing and collection of the maintenance cost of a member under section 8 of this chapter shall be made by the superintendent of the Indiana Veterans' Home based on the per capita cost for the preceding fiscal year.

(b) All money collected shall be deposited in the veterans' home comfort and welfare fund. The fund shall be used in part by the state health commissioner for the comfort and welfare of the members and in part to reimburse the state general fund in an amount specified by the general assembly.

(c) Excess money in the veterans' home comfort and welfare fund shall be placed in the veterans' home building fund.

(d) The fund shall be used for new construction, maintenance, remodeling, and repair of the buildings at the Indiana Veterans' Home.

As added by P.L.2-2003, SEC.8.

IC 10-17-9-10**Agreement to accept lesser amount for maintenance cost; petition for release or modification of maintenance charge**

Sec. 10. (a) The superintendent of the Indiana Veterans' Home, with the approval of the state health commissioner, may accept payment at a lesser rate than prescribed in section 8 of this chapter. The superintendent of the Indiana Veterans' Home, in determining whether or not to accept the lesser amount, shall consider the amount of money necessary to maintain or support a dependent of the member. An agreement to accept a lesser amount is subject to cancellation or modification at any time by the superintendent of the Indiana Veterans' Home with the approval of the state health commissioner.

(b) A member who is issued a statement of a sum due as maintenance charges may petition the superintendent of the Indiana Veterans' Home for a release from or modification of the statement. The superintendent shall submit a written statement of the facts to the state health commissioner for a final determination.

As added by P.L.2-2003, SEC.8.

IC 10-17-9-11**Standard method of determining maintenance charges; adjustments**

Sec. 11. (a) The superintendent of the Indiana Veterans' Home, with the approval of the state health commissioner, may adopt a standard method of determining a lesser rate to be accepted in settlement of maintenance charges due from a member of the home. A member shall receive at least thirty dollars (\$30) per month for personal needs before a maintenance charge is levied against current income.

(b) The monthly maintenance charge may not exceed one-twelfth (1/12) of the annual per capita cost of the preceding year.

(c) The superintendent may adjust the standard for determining the lesser rate to provide that in the case of married members with the spouses residing at the home this standard will allow at least forty dollars (\$40) to be deducted from income by the member before the charge for maintenance is applied.

(d) The superintendent, in adopting the standard method of determining a lesser rate to be accepted in settlement of maintenance charges due from a member of the home, shall take into account as current income:

- (1) a pension;
- (2) compensation or income from any source; and
- (3) benefits from:
 - (A) the federal Social Security Administration;
 - (B) the railroad retirement law; or
 - (C) a retirement annuity or insurance annuity.

(e) The agreement to accept a lesser rate from current income does not relieve the estate of the member of the charge for the full per capita cost for the period the member resided in the home.

However, the claim for the full per capita cost will not be filed or allowed if there is a surviving spouse, dependent child less than eighteen (18) years of age, or dependent parent.

As added by P.L.2-2003, SEC.8.

IC 10-17-9-12

Lien for unpaid maintenance charges

Sec.12. (a) If charges for the cost of maintenance of a member remain unpaid in whole or in part for a period of six (6) months, the superintendent of the Indiana Veterans' Home may file, in the office of the county recorder of the county in which the real property is located, a notice of lien designating:

- (1) the name and place of residence of the member against whose property the lien is asserted;
- (2) the date when the charges become delinquent for more than six (6) months; and
- (3) a legal description of the real property subject to the lien.

One (1) copy of the notice of lien shall be retained by and filed in the office of the superintendent, and one (1) copy shall be furnished to the member or guardian.

(b) From the date on which notice of lien is recorded in the office of the county recorder, the recorded notice constitutes due notice of a lien against the member or the member's estate for any amounts then recoverable and any amounts that become recoverable under this chapter and gives a specific lien in favor of the Indiana Veterans' Home. The lien continues from the date of filing until the lien is satisfied or released.

As added by P.L.2-2003, SEC.8.

IC 10-17-9-13

Claim or judgment for maintenance charges; suit against legal guardian; foreclosure; claim against estate

Sec. 13. (a) The attorney general, upon notification of the superintendent of the Indiana Veterans' Home, shall file a claim in the name of the state on behalf of the superintendent of the home against the estate of a person who fails to make payment as required in this chapter. If the claim is allowed or judgment is obtained, the claim or judgment constitutes a lien against that part of the estate of the person described in the claim.

(b) The attorney general may bring suit against the legal guardian of a patient for failure to comply with an established maintenance agreement or for failure to make an agreement. Suit may be brought for the amount due the state for the maintenance charges of the member. The court may order the payment of maintenance charges for a period as the circumstances require. An order may be entered against one (1) or more of the defendants. An order for the payment of money may be enforced by attachment, garnishment, or a proceeding supplemental against the defendants. Other judgments at law and costs may be adjudged against the defendants and apportioned among them.

(c) The attorney general may bring a proceeding to foreclose on a lien arising from maintenance charges under section 8 of this chapter during the lifetime of the member if the superintendent believes it is in the best interest of the veterans' home to foreclose on the lien.

(d) Upon:

(1) the death of a member whose property is encumbered by a lien arising under section 8 of this chapter; and

(2) notification by the superintendent;

the attorney general shall file a claim against the member's estate for recovery of all charges for maintenance that have accrued at the date of death. Notwithstanding any other law, a claim filed for recovery of charges for maintenance has priority in order of payment from the estate over all other claims except prior recorded encumbrances, taxes, reasonable costs of administration, and reasonable funeral expenses. However, if real property of the deceased member is occupied by a surviving spouse of the member, the home may not assert its lien or claim during the lifetime of the surviving spouse. However, if other claimants or persons have opened an estate and are attempting to enforce their claims, or if there have been fraudulent attempts to avoid the claim or lien, the veterans' home shall file and assert the claim for recovery of costs of treatment and maintenance.
As added by P.L.2-2003, SEC.8.

IC 10-17-9-14

Agreements with federal government

Sec. 14. The superintendent of the Indiana Veterans' Home may make agreements with instrumentalities of the federal government for application of monetary awards to be applied toward the maintenance charges to provide a sufficient amount of the periodic award to be deposited in the member's trust account to meet the immediate personal needs of a member. The amount applied toward the settlement of maintenance charges may not exceed the amount specified in section 8 of this chapter.

As added by P.L.2-2003, SEC.8.

IC 10-17-9-15

Transfer from veterans' administration

Sec. 15. (a) If space is available, the superintendent of the Indiana Veterans' Home, with the approval of the state health commissioner, may accept a veteran who is:

(1) otherwise eligible for admission to the home;

(2) in need of nursing home care; and

(3) transferred at the request of the United States Department of Veterans' Affairs from one (1) of its facilities.

(b) The United States Department of Veterans' Affairs under United States Department of Veterans' Affairs regulations shall award the cost of care to the home. A rate of charge described in section 8 of this chapter may not be used to determine the cost of care under this section.

As added by P.L.2-2003, SEC.8.

IC 10-17-9-16

State treasurer investigation; disposition of federal funds

Sec. 16. (a) The treasurer of state may require an investigation to determine the true number of members in the home at any time.

(b) Twenty percent (20%) of the money annually allowed by the government of the United States for a military veteran maintained in the home shall be deposited in the state general fund to the credit of the veterans' home building fund. Money deposited in the state general fund may be invested in securities of the United States government. The money in the building fund shall be used only for the maintenance, remodeling, or repair of buildings at the Indiana Veterans' Home. Money deposited in the building fund is appropriated and subject to allocation by the budget committee. The remaining eighty percent (80%) of the money annually allowed by the government of the United States for a military veteran maintained in the home shall be deposited in the state general fund as a reimbursement to the general fund for operating expenses of the home.

As added by P.L.2-2003, SEC.8.